

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DAYSEAN JENKINS,

Plaintiff,

v.

DANIEL SIMAS, et al.,

Defendants.

Case No. 3:23-cv-00049-ART-CLB

ORDER

This action began with a pro se civil-rights complaint filed under 42 U.S.C. § 1983 by a state prisoner. Plaintiff has applied to proceed *in forma pauperis*. (ECF No. 1). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on September 28, 2023. (ECF No. 8). The screening order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF Nos. 8, 10). The parties have indicated that settlement was not reached at the mediation conference, and they are at an impasse. (See ECF No. 11).

For the foregoing reasons, **IT IS ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**. Plaintiff will not be required to pay an initial installment of the filing fee. But the full filing fee must still be paid under 28 U.S.C. § 1915(b)(2) even if this action is later dismissed or otherwise unsuccessful for Plaintiff.

2. Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor.

3. To ensure that Plaintiff pays the full filing fee in this action, under 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act, the Nevada Department of Corrections will forward payments from the account of **DAYSHAWN JENKINS, #1158979** to the Clerk of the United States District Court, District of Nevada, 20% of the preceding

1 month's deposits (in months that the account exceeds \$10) until the full \$350 filing fee  
2 has been paid for this action. The Clerk of the Court will send a copy of this order to (1) the  
3 Finance Division of the Clerk's Office and (2) the attention of **Chief of Inmate Services**  
4 **for the Nevada Department of Corrections** at formapauperis@doc.nv.gov.

5 4. The Clerk of the Court will electronically **SERVE** a copy of this order and a  
6 copy of Plaintiff's first amended complaint (ECF No. 5) on the Office of the Attorney  
7 General of the State of Nevada by adding the Attorney General of the State of Nevada to  
8 the docket sheet. This does not indicate acceptance of service.

9 5. Service must be perfected within 90 days from the date of this order  
10 consistent with Federal Rule of Civil Procedure 4(m).

11 6. Subject to the findings of the screening order (ECF No. 8), within 21 days  
12 of the date of entry of this order, the Attorney General's Office will file a notice advising  
13 the Court and Plaintiff of (a) the names of the defendants for whom it accepts service;  
14 (b) the names of the defendants for whom it does not accept service, and (c) the names  
15 of the defendants for whom it is filing the last-known-address information under seal. As  
16 to any of the named defendants for whom the Attorney General's Office cannot accept  
17 service, the Office will file, **under seal**, but will not serve the inmate Plaintiff the last known  
18 address(es) of those defendant(s) for whom it has such information. If the last known  
19 address of the defendant(s) is a post office box, the Attorney General's Office will attempt  
20 to obtain and provide the last known physical address(es).

21 7. If service cannot be accepted for any of the named defendant(s), Plaintiff  
22 will file a motion identifying the unserved defendant(s), requesting issuance of a  
23 summons, and specifying a full name and address for the defendant(s). For the  
24 defendant(s) as to which the Attorney General has not provided last-known-address  
25 information, Plaintiff shall provide the full name and address for the defendant(s).

26 8. If the Attorney General accepts service of process for any named  
27 defendant(s), such defendant(s) will file and serve an answer or other response to the  
28 first amended complaint (ECF No. 5) within 60 days from the date of this order.

10. This case is no longer stayed.

  
UNITED STATES MAGISTRATE JUDGE